

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------|---|--------------------------|
| DARRYLL HERBERT | : | |
| | : | |
| vs. | : | Civil Action No. 11-1943 |
| | : | |
| KEVIN CREELY, et al. | : | |

**PLAINTIFF'S MEMORANDUM OF LAW IN RESPONSE TO
DEFENDANTS' MOTION IN LIMINE**

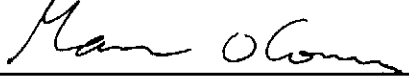
This action involves claims under 42 U.S.C. § 1983 and the First, Fourth and Fourteenth Amendments of the United States Constitution as well as pendent state law claims for assault, battery and intentional infliction of emotional distress.

Plaintiff is not asking questions at trial pertaining to the defendants' Internal Affairs Division investigations and training histories.

Regarding Defendant Officer Creely's involvement in a prior civil lawsuit, Plaintiff only intends to impeach Officer Creely through prior inconsistent statements in the event his credibility becomes an issue when testifying at trial in the instant matter.

Respectfully Submitted,

PATRICK G. GECKLE, LLC

By: 
Maureen O'Connor, Esq.
Attorney ID No. 208781
1845 Walnut Street, Suite 2300
Philadelphia, PA 19103
215-735-3326
Email: moconnor@pgglaw.com
Counsel for Plaintiff

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